

BURLINGTON COMMUNITY DEVELOPMENT CORPORATION

**Monday, July 25, 2011
Conference Room 12, City Hall
5:00pm**

PRESENT: Mr. Bob Kiss, Mr. Bill Keogh, Ms. Emma Mulvaney-Stanak, Mr. Kurt Wright, Ms. Karen Paul, Mr. Scott Schrader

ALSO PRESENT: Mr. Richard Haesler; Ms. Sharon Bushor; Mr. Bob Roesler of Doremus, Roesler and Krantor; Ms. Betsy Catlin of Dunkiel and Saunders

1. Agenda

On a motion by Mr. Keogh and Ms. Mulvaney-Stanak, the agenda was adopted unanimously as presented.

2. Morton Parcel

Attorney Haesler stated there has been an enormous amount of work done on the Champlain Parkway. BCDC has authorized the transfer of the 3.2 acre parcel that is called the Gilbane Parcel to hold until it will be developed into the South End Transit Center. In the meantime, a small part of that land was originally part of the Morton Parcel. That was acquired during the Gilbane proceedings to be used for the Champlain Parkway. It needs to be determined that no party could have a potential claim on the Morton Parcel. When the State of Vermont acquired it from GE in the 1980s for use for the Champlain Parkway, there was a stipulation that the State would do improvements and give land to GE to replace parking they were giving up. GE came and went and none of that work was done. Now that the Parkway is moving forward, this needs to be addressed. It will be necessary to file a Quiet Title Action with the courts to determine the chain of ownership. The City and BCDC have identical interests in this issue. This would authorize Brian Dunkiel's firm to move forward with this action.

Mr. Kiss stated Bob Roesler has been working with the City on moving forward with the Champlain Parkway. Bob Roesler of Roesler and Krantor, stated this is part of the South End Transit parcel. The point of this is to be sure that General Electric, General Dynamics, or Lockheed Martin do not come back in a few years to claim rights to this property. Mr. Keogh inquired if this will remove clouds over the title. Mr. Roesler stated that is correct.

Mr. Wright inquired what moving forward without this would mean. Mr. Roesler stated there would not be cooperation from VTRANS. It would leave BCDC and the City open for a potential claim in the future. The likelihood of this is small, but this would remove that risk.

Ms. Bushor stated the resolution reads that the BCDC is asking through the Board of Finance. She inquired if the Board of Finance had acted on this. She stated in the past there had been a

separation of Board of Finance and BCDC. She inquired if the City of Burlington is taking the legal action. Mr. Roesler stated they are taking legal action on behalf of the City and BCDC, as their interests are in line. Ms. Bushor inquired if the Board of Finance will also have to approve this action. Attorney Haesler stated at this point in time, the action is not being filed. This requests that the firm prepare for the work being done around the Champlain Parkway. They will request Board of Finance approval when it is necessary. Because the City and BCDC's interests are in line, BCDC needs to authorize this action to reach those goals. This allows Mr. Dunkiel's firm to take action on legal work around the Morton Parcel. There is a provision included that makes VTRANS aware that BCDC does not intend to do anything different with this property. Ms. Bushor inquired if this would be authorization by BCDC to support actions taken by the City and Board of Finance. Mr. Kiss stated the language surrounding Board of Finance could be removed to make it clear this is just an action of BCDC. Ms. Bushor stated she would support that.

Mr. Keogh and Mr. Wright made a motion to remove language regarding the City.

Mr. Schrader inquired why the legal action is not specified in the resolution. Mr. Roesler stated there are a few different forms that the legal action could take, and that has not officially been decided.

Mr. Keogh inquired if it is legally ok to make the change that was proposed. Mr. Roesler stated that will be fine.

The motion to amend the resolution passed unanimously.

Mr. Keogh and Ms. Mulvaney-Stanak made a motion to adopt the resolution as amended. The motion passed unanimously.

Mr. Keogh and Mr. Kiss made a motion to adjourn. The meeting was adjourned unanimously at 5:23pm.